

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,

Plaintiff,

v.

Thirty One Thousand Sixty (\$31,060.00)
Dollars, more or less, in U.S. Currency,
seized from Richard Thunberg;

Two Thousand (\$2,000.00) Dollars,
more or less, in U.S. Currency,
seized from Jorge Castillo;

One Chrome Smith and Wesson 9mm
Handgun, Model 39, Serial No. Obliterated,
seized from James Giannetta;

One Black Ruger, Model Mark I, .22 caliber
Semi-Automatic Pistol, Serial No. 291433,
seized from James Giannetta,

Defendants *in rem*.

CIVIL NO.

JURY TRIAL REQUESTED

VERIFIED COMPLAINT FOR FORFEITURE IN REM
FOR PROPERTY WITHIN THE UNITED STATES' POSSESSION, CUSTODY
OR CONTROL PURSUANT TO SUPPLEMENTAL RULE G

Plaintiff, United States of America, brings this complaint, in accord with Rule G(2) of the
Supplemental Rules for Certain Admiralty and Maritime Claims, and alleges as follows:

NATURE OF THE ACTION

This is an action to forfeit and condemn to the use and benefit of the United States of
America the defendants *in rem*, which are already within the United States' possession, for
violations of 21 U.S.C. § 881(a)(6) and (11).

JURISDICTION AND VENUE

Plaintiff brings this action in-rem in its own right to forfeit and condemn the defendant properties under 21 U.S.C. § 881. This Court has jurisdiction over this action under 28 U.S.C. §§ 1345 and 1355. Venue is proper in this district pursuant to 28 U.S.C. §§ 1395 and 1355(b)(1)(A) and (B).

THE DEFENDANTS IN REM

The defendants *in rem* consist of the following property: (1) Thirty one thousand sixty (\$31,060.00) dollars, more or less, in U.S. Currency, seized from Richard Thunberg; (2) Two thousand (\$2,000.00) dollars, more or less, in U.S. Currency, seized from Jorge Castillo; (3) One Chrome Smith and Wesson 9mm Handgun, Model 39, Serial No. Obliterated; and (4) One Black Ruger, Model Mark I, .22 Caliber Semi-Automatic Pistol, Serial No. 291433. The defendants *in rem* are currently in the custody of the United States Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

FACTS

1. As part of an ongoing investigation into the sales and distribution of crystal methamphetamine in the New England area, on November 18, 2010, agents arrested James Giannetta as he received a large delivery of crystal methamphetamine. Giannetta consented to a search of his residence located at #160 Crabtree Road in Quincy, Massachusetts.

2. During the search, agents located the following in Giannetta's bedroom: (1) a United States Parcel Service ("UPS") receipt believed to detail a shipment of money for crystal methamphetamine to the girlfriend of Giannetta's source of supply in California; (2) a UPS receipt that represented a previous shipment of money to that same source of supply through his girlfriend; (3) a micro "bug" detector that would allow Giannetta to detect eavesdropping

devices, video equipment and/or electronic transmitters; (4) two small plastic bottles believed to contain Gamma-Hydroxybuteric Acid (“GHB”), a schedule I controlled substance; (5) \$8,837.00 in U.S. Currency, located in a dresser drawer and a gray safe on the floor of the closet (which has been administratively forfeited by DEA); (6) bank envelopes used as ledgers; (7) defendant *in rem* 3, a chrome Smith and Wesson 9 millimeter Model 39 handgun with an obliterated serial number; and (8) defendant *in rem* 4, a black Ruger, model Mark I, .22 caliber semi-automatic pistol, serial number 291433.

3. During a search of the bedroom used by Jorge Castillo, Giannetta’s roommate, agents located: (1) a package addressed to Castillo, containing blister packs of 130 two milligram Alprozolam tablets, a generic form of Xanax, wrapped in carbon paper (drug traffickers are known to use carbon paper in packages to thwart detection by x-ray machines and drug dogs); (2) the defendant *in rem* (2), \$2000.00 in U.S. Currency, inside another package addressed to Castillo. The handwriting on both packages appears to be identical.

4. Inside a hall closet, under a stack of towels, agents located a handwritten ledger, which listed the names or initials of individuals who had paid or owed money to Giannetta for unknown amounts of crystal methamphetamine.

5. Agents also located an “Express Mail” receipt believed to identify a shipment of money from Giannetta to the girlfriend of his source of supply in California; a handwritten note referencing a shipment of crystal methamphetamine that law enforcement officers had intercepted in the preceding week; and a mini digital scale.

6. As part of the same drug investigation, undercover officers arranged a “reverse” drug transaction with a conspirator named Richard Thunberg. This transaction occurred on February 17, 2011. The undercover agents were to supply Thunberg with what he believed to be

a two pound supply of "Ice" methamphetamine, in return for a cash payment. Officers observed Thunberg and a Cooperating Source ("CS") meet at Chili's Grill and Bar, in Lowell, Massachusetts, and then drive to the Best Western - Granite Inn in Nashua, New Hampshire. Thunberg and the CS entered a hotel room where undercover officers were waiting. Surveillance officers were able to monitor and record the meeting from the adjoining room.

7. Thunberg entered the hotel room with \$31,060.00, which was wrapped in numerous assorted money bands. Thunberg gave the money to the undercover officers, and took what he believed to be two pounds of crystal "Ice" methamphetamine.

8. Thunberg left with the CS and returned to Chili's Grill and Bar. The CS eventually left, and Thunberg was observed sitting in his car and placing items in envelopes.

9. Thunberg left the area, and was subsequently arrested by the Massachusetts State Police, and charged with Possession with Intent to Distribute Controlled Substances.

FIRST CLAIM FOR FORFEITURE

10. The allegations contained in paragraphs 1- 6 are hereby incorporated by reference.

11. Title 21, United States Code, Section 881(a)(6) subjects to forfeiture "[a]ll moneys, . . . or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or . . . all proceeds traceable to such an exchange, and all moneys ... used or intended to be used to facilitate any violation of this subchapter. . . ."

12. The defendants *in rem*: (1) Thirty one thousand sixty (\$31,060.00) dollars, more or less, in U.S. Currency, seized from Richard Thunberg ; and (2) Two thousand (\$2,000.00) dollars, more or less, in U.S. Currency, were furnished or intended to be furnished in exchange

for controlled substances, in violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801 et seq., or represent proceeds traceable to such exchanges, or money used or intended to be used to facilitate violations of the Act.

13. As a result, defendants *in rem* (1) and (2) are liable to condemnation and forfeiture to the United States for its use, in accordance with 21 U.S.C. § 881(a)(6).

SECOND CLAIM FOR FORFEITURE

14. The allegations contained in paragraphs 1 through 6 of this Verified Complaint for Forfeiture in Rem are incorporated by reference.

15. Title 21, United States Code, Section 881(a)(11) provides that "any firearm . . . used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of . . ." controlled substances or proceeds traceable to controlled substances, shall be forfeited to the United States.

16. The defendants *in rem* (3) and (4) are firearms which were used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances, or proceeds traceable to controlled substances.

17. As a result, the defendant *in rem* firearms (3), a chrome Smith and Wesson 9 millimeter Model 39 handgun with an obliterated serial number, and (4), a black Ruger, model Mark I, .22 caliber semi-automatic pistol, serial number 291433, are liable to condemnation and forfeiture to the United States for its use, in accordance with 21 U.S.C. § 881(a)(11).

RELIEF REQUESTED

Therefore, the United States requests that:

- (a) the Clerk of Court issue a Warrant of Arrest in Rem, in the form submitted with this Verified Complaint, to the United States Marshal for the District of New Hampshire, commanding him to arrest the defendants *in rem*;
- (b) this matter be scheduled for a jury trial;
- (c) judgment of forfeiture be entered against the defendants *in rem*;
- (d) the defendants *in rem* be disposed of according to law; and
- (e) this Court grant the United States its costs and whatever other relief to which it may be entitled.

Respectfully submitted,

JOHN P. KACAVAS
United States Attorney

Dated: April 18, 2011

By: /s/ Robert J. Rabuck
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VERIFICATION

I, Michael P. Cashman, being duly sworn, depose and say that I am a Special Agent with the United States Department of Justice, Drug Enforcement Administration (DEA), and as such have responsibility for the within action, that I have read the contents of the foregoing Verified Complaint for Forfeiture in Rem and know the contents therein, and that the same is true to the best of my knowledge, information and belief.

The sources of my information and the grounds of my belief are official records and files of the United States and the State of New Hampshire, and information obtained by me and other law enforcement officers during an investigation of alleged violations of the controlled substances laws of the State of New Hampshire and of the United States.

/s/ Michael P. Cashman
Michael P. Cashman

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

Subscribed and sworn to before me this 18th day of April, 2011.

/s/ Francine Doucette Sherman
Notary Public
My commission expires: April 15, 2014